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Legal Dept

G **BRANCH**

Subject:— Opinion on the Miscellaneous matters

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C O N T E N TS

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Sr. No.	D. I. / U. No.	Subject	Pages.
		Opinions on miscellaneous matters.	
1.	G-190 / 18-5-51	Whether the arrears of compensation can be deducted from the cash security deposits taken from the Godown keepers at the time of appointing them to the post of Junior Godown Keepers or whether the prior concurrence of the Godown Keepers is necessary to do so.	1-2
2.	G.252 / 26-6-51	Whether Govt. can recocer the arrears of rent payable by the godownkeepers from their ~~xxxxxxxxxxxx~~ cash security or wheth r prior concurrence of these persons would be necessary for such deductions.	3-4
3.	G-188 / 16-5-51	Question regarding making payment of the amount standing to the credit of the deceased. Whether it should be paid to the father of the deceased or should be paid to his sister.	5-6

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The widow Mrs. Manibai has not disputed the amount of the arrears due on account of the rent. Moreover, she herself has stated in her letter on page 1 ante that the balance of the room rent should be deducted from the cash security. In these circumstances there does not appear to be any objection to deducting the arrears of rent from the amount of the security deposit standing to the credit of the deceased godown keeper and paying Manibai the balance on her producing a certificate either from a J.P. or Honorary Magistrate to the effect that she is the legal heir of the deceased for receiving the dues of her husband and on her executing an indemnity bond as required by Note 2 below Financial Rule 40(3) of Financial Publication No. I.

Sd/- B.D. Mirchandani
O.C.
Additional Secretary to Government.

L.R. to F.C., No. G-190, dated the 18th May 1951

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The question for consideration is whether Government can recover the arrears of rent payable by the godownkeepers from their cash security amounts lying with Government or whether prior concurrence of these persons would be necessary for such deductions.

The cash security has been paid by the godown keepers to Government under a security bond under the terms of which only recoveries can be made from it for any loss, injury, damages costs, expenses sustained, incurred or paid by Government for any misconduct, neglect or default committed by the godown keeper in connection with the duties of his office. The payment of rent of the premises allotted to the godownkeepers had nothing to do with their official duties. Consequently, loss occasioned to Government from their failure to pay rent cannot be legally recovered from the cash security amounts. Prior concurrence of the godown keepers or their legal heirs who are entitled to the amount of the cash security would be necessary if such deductions are to be made.

2. However, the amount due to Government on account of rent may be deducted from the security deposit even if the godown keeper or his heir does not agree to such deduction. He may not go to court to calim the deducted amount from Government when the amount is lawfully due from him on account of rent and even if he goes to court, Government can make a countercalim in the suit for rent.

Sd/- B.D. Mirchandani
O.C.

Additional Secretary to Government.

L.r. to F.C., No. G- 252, dated the 26th June 1951.

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Between the father and the sister of the deceased, the father is the preferential heir according to Hindu Law. There is therefore no objection to making the payment to the deceased's father on his executing an indemnity bond as required by Financial rule 40, Note 2 and rule 52 (b) of the Financial Publication No. I.

Sd- B.D. Mirchandani

O.C.

Additional Secretary to Government.

U.R. to F.C., No. C-15 , dated the 18th May 1951.

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4 Cs.